

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

Claims 1, 32, 41-58 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 1-58 are now pending in this application.

This Amendment is in response to the Office Action mailed on April 9, 2003. The Examiner rejected claims 1-58, which represent all of the currently pending claims in this application. The Examiner stated that the claims failed to particularly point out and distinctly claim the subject matter as required by 35 U.S.C. 112, second paragraph. The examiner also objected to the specification for the same reasons the claims were rejected, stating that the specification uses an incorrect term throughout.

Applicant has amended the specification to reflect the correct spelling of the genus of plants known as Euphorbia. However, the Examiner has stated that the family name is misspelled and that the correct spelling is Euphorbiaceae as evidenced by the Internet website -- <http://www.plantzafrica.com/plantefg/euphorbobesa.htm> -- rather than the applicant's spelling of Euphorbiaceae. Applicant believes that the spelling of the family name is correct, as evidence by the referenced Internet website. Additionally, the Internet website -- http://www.desert-tropicals.com/Plants/Euphorbiaceae/Euphorbia_obesa.html -- specifies the spelling of the family name as Euphorbiaceae.

Applicant has amended claim 1 to more particularly claim the present invention. In the first step the reference to the latex material has been deleted. In the second step, the solvents may be any solvent in accordance with the principles of the present invention. The specification

teaches that the use of a series of solvent systems is preferred. However, one of ordinary skill in the art would recognize from the plain meaning of the claim language and the teachings of the specification that any solvent capable of dissolving the sample, while maintaining the bioactivity, may be used. The specification teaches that the only essential aspect of the solvent is that it allows for the isolation of a biologically active extract. One of ordinary skill in the art would appreciate that it is obvious to try solvents other than those specifically used in the examples given in the specification and the scope of the claim is in accordance. The solvent need not be any particular one, but only be capable of dissolving the sample so as to produce a biologically active extract.

In the fourth step, the phrase "purifying said pulp fraction" would be understood by one of ordinary skill in the art as referring to a process for removing the non-bioactive portions of the extract. For example in the preferred embodiment, the use of organic thin layer chromatography. However, it would be obvious to persons of ordinary skill in the art to utilize other methods and means for purifying the pulp fraction. Furthermore, the phrase "said extract" has been clarified to make its antecedent basis more readily apparent.

Claims 41-58 have been amended to recite the limitation "the method" which has proper antecedent basis in claim 32.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even

entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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By 

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